T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			11-Apr-08	j	APPL. S. N:		10602588				
To Exam	iner:		MEHRA, INDER		Art Unit		2616				
From			Jefferson, Henry PARALEGAL SPCECIALIS	· T	Return This Memo To: C Drop-Off Location	ase	JEF-2D68				
SUBJEC	T: Decisio	on on Terminal	Disclaimer(T.D.) filed:								
form par or have a	agraphs i any quest	identified by th tions, please so	nis informal memo in your ee me or the Special Prog	next O	ffice action to notify appli aminer. THIS IS AN INFO	cant of t RMAL, II					
please in	itial, date	e and return th	is memo to me. THANK Y	ΌU.		•	•				
▽	The T.D.	is PROPER an	d has been recorded (see	14.23)	ı .	•					
Γ.	The T.D.	is NOT PROPE	ER and has not been acce	pted for	the reason(s) checked be	elow (se	ee 14.24):				
		The TD fee of	·	ubmitte	d nor is there any authori	zation i	n the application file for the .				
		his/her intere		he inte	rest of the business entity		has not stated the extent of ented by the signature)				
			s the enforceable only du ting rejection, Rule 321(b			needed	I to overcome a non-statutory				
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).									
		The person w	ho signed the T.D.:	٠			•				
		is n	ot an attorney "of record"	' (see 1	4.29 and 14.29.01).						
		has	failed to state his/her cap	pacity t	o sign for the business en	tity (see	£ 14.28).				
		is n	ot recognized as an office	r of the	assignee (see 14.29 & po	ossible 1	.4.29.02).				
	Γ	nor is the ree (see 37 CFR	el and frame number spec 3.73(b) and 1140 O.G. 72	ified as 2). NOT	to where such evidence is	s record ence or	the specifying of the reel and				
		The T.D. is no	ot signed (see 14.26 & 14	.26.03).						
			mber of the application (c ection is missing or incorr		umber of the patent) whice .14.32).	h forms	the basis for the double				
	C.		mber of this application (o missing or incorrect (see		umber of the patent in re 14.27.02 or 14.26.05).	exam _. oi	r reissue cases being				
		The period di	sclaimed is incorrect or n	ot speci	fied (see 14.26, 14.27.02	or 14.2	(6.03).				
		Other:		-			<u> </u>				
	Γ.		o request refund (see 14.) neck this item.	36). NO	TE: If already authorized,	credit r	refund to deposit account				
I have a	ppropriate	ely notified app	plicant(s) of the status of	the Ter	minal Disclaimer filed in t	his case					
Ex.Initia	ls:	Dat	e:				Log Date: .				

Application Number		10/602,588	Re		Replicant(s)/Patent under Reexamination				
Document Code - DISQ		Internal Dod			cument – DO NOT MAIL				
TERMINAL DISCLAIMER	APPROVED			☐ DISAPPROVED					
Date Filed : March 12, 2008	This patent is subject to a Terminal Disclaimer								
				•					
Approved/Disapproved by:									
Henry D. Jefferson	,								
		· .							

U.S. Patent and Trademark Office

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information tinless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional) 29250-000203/US/COA

MAR 12 2008

In re Application of: Douglas H. ROLLENDER

Application No. 10/602,588

Filed: June 25, 2003

For: METHOD FOR TRANSFERRING DATA

residing at 600 Mountain Rd, Murray Hill, NJ 07949-0636,

a corporation of the State of Delaware having a principal place of business at 600 Mountain

Road, Murray Hill, NJ 07949-0636.

a university having an address of

represents that it is the true owner of the entire interest of U.S. patent Application No. 10/602,588, filed on 06/23/03, for "METHOD FOR TRANSFERRING DATA" (hereinafter "instant application") by virtue of and as evidenced by an Assignment recorded at the United States Patent and Trademark Office at Reel 9813, Frame(s) 0526.

The owner*, Lucent Technologies Inc., now named <u>Alcatel-Lucent</u> of <u>100</u> percent interest In the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 6,810,261, 6,748,227, and 6,603,974 (collectively referred to as "related patents"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the related patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the related patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

·03/12/08

Date

Gary D. Yacura Reg. No. 35,416

Signature

Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual U.S. case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

93/13/2008 MAHMED1 00000133 10602588 01 FC:1814